

# The Minnesota Health Care Directive

- ◆ A Suggested Form
- ◆ Suggestions For Completing
  - Selecting a health care agent
  - Sorting out preferences and wishes

The right to control your health care decisions

## Health Care Directive Planning Record

Keep a master list of who has copies of your health care directive. It will be easier to make sure everyone is kept up-to-date if and when changes are made. Copies of my Health Care Directive have been given to:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## Review And Update Your Health Care Directive

- You can change or revoke your Health Care Directive as long as you are able to make and communicate your own health care decisions. Your most recently dated advance directive should be followed.

**My most recent Health Care Directive was completed on** \_\_\_\_\_  
**(month/day/year)**

- It is not uncommon for individuals to change their opinions about who they want as agent or about specific health care instructions. Review your Health Care Directive on a regular basis, especially when there are changes in:
  - ✓ Your health status
  - ✓ Your state of residence given differences in state laws
  - ✓ The availability of individuals named as health care agent or alternate agents
- If you completed an advance directive prior to August 1, 1998 (when state laws changed), review your written wishes and make sure they are still accurate and effective.

These materials were developed by a group of professionals with expertise in law, health care, life and death health care decision making, and plain language materials development with the leadership of Marlene S. Stum, PhD, University of Minnesota Extension Service (August, 1998). Users are encouraged to copy these materials keeping the content, format, and credits intact. For a master copy or to provide feedback, call 612-625-4270 or e-mail [mstum@che.umn.edu](mailto:mstum@che.umn.edu). The University of Minnesota is an equal opportunity educator and employer. Current as of 2003.

## Where To Keep Copies Of Your Health Care Directive

- Give copies of your health care directive to family, friends, and health care providers so that your preferences will be known when needed. Copies of the form are valid. Copies should be placed:
  - ✓ In your medical record where you receive care. Ask your physician to make sure your health care directive is on file.
  - ✓ With health care providers (such as physicians, hospitals, home care, hospice). Start a discussion with your physician and share your preferences. Are your care providers willing and able to carry out your wishes?
  - ✓ With named health care agents and alternate agents. Help your decision makers understand their responsibilities and powers.
  - ✓ With family members and close friends. Inform those important to you that you have completed a health care directive, where it is, and who you have chosen as your decision makers.
- DO NOT keep your health care directive in a safe deposit box where it would not be available in an emergency.
- Indicate you have a health care directive on your Minnesota driver's license or other sources of identification in your wallet or billfold.

### Common Terms

**Advance Directive:** A written tool used to guide health care decisions when an individual is unable to do so because of incapacity. Most people are familiar with the terms "living will" or "Durable Power of Attorney for Health Care" as types of advance directives.

**Health Care Directive:** As of August 1, 1998, Minnesota law was changed to make it easier and less confusing to complete an advance directive. The new advance directive is called a "health care directive." It combines the general purposes of the living will and durable power of attorney for health care.

**Health care agent:** One or more persons legally authorized to make health care decisions for another who is not able to communicate.

#### **Beware! Don't Confuse A Health Care Directive With Other Estate Planning Tools!**

**A Will:** A legal document written to have control over what happens to one's property and assets when one dies. Does not involve health care decisions.

**A Power of Attorney:** A legal document in which one person gives another the authority to make specific financial decisions. Unless specifically written to do so, will not cover health care decisions.

# Making Informed Life And Death Health Care Decisions

## Did you know...

- ◆ Minnesota advance directive laws changed as of August 1, 1998. A new planning tool, called a Health Care Directive, makes it easier and less confusing to put your wishes in writing (see inside).
- ◆ Once a health care directive is written, it can be changed or revoked as long as you have capacity.
- ◆ It is just as important for an individual who wants to initiate or continue medical treatment to leave written instructions as it is for individuals who have other preferences.
- ◆ A health care directive does not require an attorney to complete. A suggested form and suggestions for completing are included inside to help you put your wishes in writing.
- ◆ It is illegal for a health care provider to require you to complete an advance directive. Health care providers are required to tell you about advance directive laws in Minnesota and note whether or not you have an advance directive in your medical file.
- ◆ Laws regarding advance directives are not the same in all fifty states in the U.S. If you spend a great deal of time in another state, or move to another state, be sure you understand the laws.